CLEARY GOTTLIEB STEEN & HAMILTON LLP

February 18, 2025

VIA ECF

Hon. Vernon S. Broderick, U.S.D.J.
Thurgood Marshall United States Courthouse
40 Foley Square, Room 415
New York, NY 10007

      Re: *In re Keurig Green Mountain Single-Serve Coffee Antitrust Litig.*, MDL No. 2542;
           Response to Competitor Plaintiffs' Letter

Your Honor:

      I write on behalf of Keurig with three observations on Competitor Plaintiffs' letter of February 11, 2025. ECF 2379.[1] On January 3, 2025, the Court issued a 127-page Order & Opinion that resolved nineteen Daubert motions. ECF 2366. Competitor Plaintiffs' letter complains that, in issuing this decision, the Court "overlooked some items." ECF 2379 at 1.

      First, Competitor Plaintiffs omit the motion for class certification, which the Court has previously indicated that it may resolve prior to addressing other motions. ECF No. 1978 at 49.

      Second, Competitor Plaintiffs acknowledge that Keurig's motion for summary judgment, if granted, would result in "dismissal of this action," eliminating the need to address other pending motions. ECF 2379 at 2. Plaintiffs are wrong in claiming that the volume of discovery they received somehow precludes summary judgment, because the material facts are undisputed. *Id.*

      Third, Competitor Plaintiffs make numerous misstatements regarding a discovery appeal that already involves 60 pages of briefing. *Id.* In light of the material already submitted, Keurig will not provide a point-by-point correction unless it would be useful to the Court.

                Respectfully submitted,

                /s/ Leah Brannon

                Leah Brannon

cc: All counsel of record (by ECF)

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[1] DPPs, McLane, BJ's, and Winn-Dixie did not join in Competitor Plaintiffs' letter.